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File No. O. Foreigners/

Legal Dept.

A **BRANCH**

Subject:—

Opinions under the
Indian Foreigners Act – 1946.

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File No. O. Foreigners/49

Gen. 194 a

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C O N T E N T S.

Legal Department File No. O. Foreigners /48

Sr. No.	R.Y./O.No.	Subject.	Pages.
		Opinions under the Indian Foreigners Act ,1946.	
1.	O.No. 14341. 10.12.1949.	Section 2(a)(iii) Whether Government can legally prevent Shri Abdul Lafif from returning to Ahmednagar when deportation order against is cancelled and he is a native Bhopal.	1-2

Sr Sq.

MKJ 19/6.

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The facts are stated in the letter from the D.M. Ahmednagar, No. P.O.L. 550 dated 2.7.1947. In exercise of power conferred by sect. 3 of the Foreigners Act, 1864, one Abdul Latif Abdul Ajij Pathan, a native of Bhopal, was deported from British India, under G.R.P. & S.D. No. S. 43/1406 dt. 1.4.39. The Foreigners Act, 1864, and as the natives of India States and Tribal Territory are not "Foreigners" within the meaning of the term "foreigner" as defined in cl. (a) of sect. 2 of the Act of 1946, Govt. directed that the deportation order passed against Abdul Latif Abdul Ajij Pathan should be treated as cancelled and no further action in that behalf should be taken against him (see P. & S.D. G.R. No. S. /431406 dt. 11.8.47.) The D. M. Ahmednagar was requested to communicate the said Govt. order to the deportee. From his petition to the Chief Secy. dt. 25.9.49, it may be presumed that Govt. orders in G.R. P. & S. D. No. S. 43/1406 dated 11.8.47 were not communicated to the deportee Abdul Latif.

The question raised for consideration is that since the deportation order is cancelled and as Abdul Latif is a native of Bhopal, Govt. would be legally justified in preventing him from returning to Ahmednagar.

Since Abdul Latif Abdul Ajij Pathan is a subject of Bhopal, which is an Acceding State, and since the order of deportation has been cancelled by Govt. by G.R. P. & S.D. No. S. 43/1406 dt. 11.8.47 on the ground that he is not a "foreigner" within the meanning of cl. (a)(iii) of sect. 2 of the Foreigners Act, 1946 Abdul Latif cannot be prevented from entering Ahmednagar

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and no action can be taken against him under sect. 13 of the Act (see R.L.A's No. 3048 dated 1.3.1947). If, however, after his return to Ahmednagar, Abdul Latif resorts to his past nefarious activities and adopts an attitude which is detrimental to public safety of the citizens, it would be competent for the D.M. either to take action under sect. 46(2) of the Bom. District Police Act, 1890, or under sect. 2(1) (b) of the Bom. Public Securities Measures Act, 194-

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8-12

Reply may be :-

The view taken by P. & S. D. is correct. since Abdul Latif is no longer a foreigner, he cannot be prohibited from returning to Ahmednagar.

Sd/- R.T.K.
9-12.

U. O. R. to P. & S.D. no. [illegible]

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